

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Jan Abraham VAN ASSELT

Serial Number: 09/582,556

Filed: August 22, 2000

For: BALL GAME APPARATUS



Atty. Ref: 112134-00102

Group Art Unit: 3711

Examiner: M. Aryanpour

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PRELIMINARY REMARKS

Commissioner for Patents
Washington, D.C. 20231

Sir:

These Preliminary Remarks are filed concomitantly with a Request for Continued Examination (RCE) application filed October 28, 2002. The RCE is timely filed in that a Notice of Appeal was filed in the PTO on August 28, 2002, along with a petition for a three-month extension of time to respond to a final Office Action dated February 28, 2002, thereby extending the period to respond in this case to October 28, 2002.

REMARKS

New claims 29, 30 and 33 in the Amendment After Final, were added to recite the slack feature of the lower guideway portion of the invention which is disclosed and described in the specification and shown on the drawings. The embodiments of the invention showing the "slack" feature of the lower guideway are clearly depicted in FIGS. 1-3. In the embodiment of the invention shown in FIG. 1, for example, the slack is depicted by the full or solid, wavy line attached to the bottom of the upstanding supports 3, 4. As described on page 6 of the application, "Two positions of the lower guideway are shown in Figure 1, these being shown in